

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

October 7, 2005

TO: Internal File

THRU: Wayne Hedberg, Permit Supervisor
Dana Dean, Team Lead

FROM: Karl R. Houskeeper, Environmental Scientist III, Engineering/Administrative

RE: Midterm Review 2005, Sunnyside Cogeneration Association, Sunnyside Refuse and Slurry, Permit C/007/0035, Task ID #2314

SUMMARY:

The current mining permit C/007/035 for Sunnyside Refuse and Slurry was issued February 4, 2003 and expires February 4, 2008. This memo addresses the midterm review of the engineering and administrative sections of the current permit.

The only permit condition currently in place is that the permittee must submit all water monitoring data in an electronic format to the Division's web site. The permittee is complying with this stipulation.

Several permit amendments have been submitted to the Division since the issuance of the current permit that affect the Mining and Reclamation Plan (MRP). The amendments are as follows:

Task #2223	Expansion of Excess Spoil Disposal Area #2 (Sent back deficient)
Task #2251	Change of Resident Agent (Incorporated into MRP)
Task #2332	Fertilizer Removal (Being reviewed by the Division)
Task #2340	Rip Rap and Crusher Demolition Bond Costs (Being reviewed by the Division)

In conjunction with the midterm review an AVS check was done for the applicant. This memo will address the results of that check in the administrative section. This memo also will address the engineering section. The review of the Tasks mentioned above that are deficient or are currently being reviewed will not impede this review or be evaluated, since they are not part of the approved MRP.

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TECHNICAL ANALYSIS:

GENERAL CONTENTS

IDENTIFICATION OF INTERESTS

Regulatory Reference: 30 CFR 773.22; 30 CFR 778.13; R645-301-112

Analysis:

The resident agent for Sunnyside Cogeneration Associates, Sunnyside Refuse and Slurry changed in 2005 from Randy J. Scott to Michael J. Blakey. This change was accomplished by the review and approval by the Division of Task # 2251. The remaining corporate structure was checked against the information contained in the Office of Surface Mining (OSM) Applicant Violator System (AVS) and found to be up to date.

Findings:

Information contained in this section of the application meets the minimum requirements.

VIOLATION INFORMATION

Regulatory Reference: 30 CFR 773.15(b); 30 CFR 773.23; 30 CFR 778.14; R645-300-132; R645-301-113

Analysis:

The approved Mining and Reclamation Plan (MRP) have been updated with the addition of NOV No. N04-49-3-1. This violation was issued at the Star Point Waste Fuel site, not the Sunnyside Refuse and Slurry site. The abatement for this violation has been met and penalties have been paid.

Findings:

Information contained in this section of the application meets the minimum requirements.

OPERATION PLAN

SUBSIDENCE CONTROL PLAN

Regulatory Reference: 30 CFR 784.20, 817.121, 817.122; R645-301-521, -301-525, -301-724.

Analysis:

Subsidence Control Plan

There is no subsidence control plan within the approved Mining and Reclamation Plan (MRP), because “No material damage or diminution within the Permit Area will be caused by subsidence because no underground coal resources are available within the Permit Area which would cause subsidence. No past or future underground coal mining operations have or likely to occur within the SCA Permit Area.”

Findings:

Information contained in this section of the application meets the minimum requirements.

SPOIL AND WASTE MATERIALS

Regulatory Reference: 30 CFR Sec. 701.5, 784.19, 784.25, 817.71, 817.72, 817.73, 817.74, 817.81, 817.83, 817.84, 817.87, 817.89; R645-100-200, -301-210, -301-211, -301-212, -301-412, -301-512, -301-513, -301-514, -301-521, -301-526, -301-528, -301-535, -301-536, -301-542, -301-553, -301-745, -301-746, -301-747.

Analysis:

Refuse Piles

Section 514 of the MRP indicates that quarterly inspections will be done by a registered P.E. in the State of Utah. These inspections will be followed by a certified report promptly after each inspection. In addition to the quarterly inspections the refuse pile is inspected once every 30 days (monthly). A variance from MSHA was given for the 30 day frequency from a seven day frequency on September 12, 2001.

Impounding Structures

Section 514 of the MRP indicates that quarterly inspections will be done by a registered P.E. in the State of Utah. These inspections will be followed by a certified report promptly after each inspection. In addition to the quarterly inspections the east slurry cell is inspected once every 30 days (monthly). A variance from MSHA was given for the 30 day frequency from a

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seven day frequency on September 12, 2001. MSHA approved the abandonment of the West Slurry cell on September 10, 2001.

Excess Spoil:

The permittee has plans to increase the storage capacity of excess spoil pile #2 by increasing the slope of the pile. Task #2223 has been submitted to the Division to address this issue. The Task was returned to the permittee with deficiencies. Excess spoil pile #1 is currently not being used.

Findings:

Information contained in this section of the application meets the minimum requirements.

RECOMMENDATIONS:

The information evaluate for the midterm review meets the minimum requirements for the administrative and engineering sections. It is recommended that the midterm be approved.